IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7970 OF 2004

Tulshiram Buwaji Chavan (deceased)
through her legal heirs
Smt.Sakhubai Tukaram Chavan
and Others .. Petitioners.
Vs.
Waman Bhika Birair (deceased)
through his legal heirs
Jagannath Waman Birari & Ors. .. Respondents.

Mr.S.S.Kulkarni for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 4TH OCTOBER, 2004

P.C.:

. Heard Mr.Kulkarni, learned counsel for the petitioners.

2. The petitioners in this petition have prayed for quashing and setting aside the order dated 4.1.2003 passed by the Deputy Commissioner in appeal filed under section 6 of the Maharashtra Act for surrendering land to Scheduled Tribes, 1974 arising out of the order dated 31.12.2001 passed by the Tahsildar, Kalwan in Adivasi Case No.5/99. The said appeal is pending for final disposal since 2002. The interim order of stay was passed on

4.1.2003. Keeping that in view and considering the overall facts and circumstances of the case, in my opinion, an appropriate course would be to direct the Appellate Authority to hear and decide the said appeal as expeditiously as possible and preferrably within a period of 12 weeks from the date of receipt of this order. Order accordingly. All contentions including the contention regarding maintainability of the appeal are left open. The petition is, accordingly, disposed of.

(D.B.Bhosale, J.)